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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/729,300

12/05/2003

Ashish Kundu

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07/31/2006

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EXAMINER

NEWAY, SAMUEL G

ART UNIT

PAPER NUMBER

2194

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/729,300

Applicant(s)

KUNDU ET AL.

Examiner

Samuel G. Neway

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/5/03, 3/24/04</u> | 6) <input type="checkbox"/> Other: _____ |

1. Claims 1 – 33 are pending and are considered below.

DETAILED ACTION

Drawings

2. The drawings are objected to because unlike what is disclosed in paragraph 28 in the specification, component 290 cannot be visited from all other components. In figure 2 an arrow from 270 to 290 is needed to overcome this objection. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: in paragraph 48, the number "630" referring to the bus in figure 5 should be "530".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3 – 12, 14 – 23, and 25 – 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smyth et al. (US Patent 7,028,261) in view of Huang et al. (US PGPub 2002/0133569).

6. As to claims 1, 12, and 23

Smyth disclose a method for incremental adaptation of a computer software application, said method comprising the steps of:

receiving a request for a component of said application from a device operated by a user of said application (col. 6, lines 55-59);

identifying, in response to said request, components of said application that may be requested by said user in the future (col. 7, lines 1-4, and 15-19);

but even if Smyth discloses adapting ("personalizing") the components to a particular user he does not specifically teach adapting said identified components for operation with said requesting device.

Huang discloses a method of adapting web pages for display on various client devices. Therefore, it would have been obvious to someone with ordinary skill in the art at the time the invention was made to combine the two said methods.

One would have been motivated to combine these two methods because as Smyth puts it in col. 1 lines 49-51 this will help "mobile users gain access to the right information at the right time, both quickly and easily..." These mobile users utilize devices that are limited in functionality and screen size.

As to claims 3, 14, and 25

Smyth and Huang disclose the method of claims 1, 12, and 23. Smyth further discloses adapting the components "subject to any restraints imposed by the site operator" (col. 7, lines 52-53) but he does not specifically site 'time' as one of the restraints. But he also says it is important that "mobile users gain access to the right information at the right time, both quickly and easily..." Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to restraint the component's adaptation within a specified maximum time period. One would have been motivated to restraint the component's adaptation within a specified maximum time period because in the computer art, and especially in component download, speed is of the essence, and specifying a maximum time period will allow quick access to the component even if all components have not been completely adapted.

As to claims 4, 15, and 26

Smyth and Huang disclose the method of claims 1, 12, and 23; Smyth further discloses the components of said application comprising Internet webpages (col. 6, lines 55-59).

As to claims 5, 16, and 27

Smyth and Huang disclose the method of claims 1, 12, and 23; Smyth further discloses :

performing, in response to said request, a reachability analysis to identify components reachable from said requested component ("most probable links which the user wish to reach ", col. 7, lines 47-54);

and wherein said step of identifying comprises selecting components from said identified reachable components that are within a specified distance of said requested component ("max links", col. 7, lines 47-54).

As to claims 6, 17, and 28

Smyth and Huang disclose the method of claims 5, 16, and 27; Smyth further discloses wherein said specified distance comprises an integer value greater than or equal to one, said value representative of a number of transitions between two components of said application ("parent-child relationship", col. 8, lines 8-11, also figures 7-10).

As to claims 7, 18, and 29

Smyth and Huang disclose the method of claims 1, 12, and 23; Smyth further discloses wherein said step of identifying comprises identifying components with a high

probability of being requested based on historical request patterns relating to said application (col. 7, lines 47-54).

As to claims 8, 19, and 30

Smyth and Huang disclose the method of claims 7, 18, and 29 but Smyth does not disclose wherein said historical request patterns relate to requests from a substantially similar requesting device.

Huang discloses said historical request patterns relating to requests from a substantially similar requesting device (paragraph 6). It is obvious to take a component adapted to a certain device and use it with another substantially similar device in order to avoid performing the same task twice therefore increasing the speed with which the user downloads the component.

As to claims 9, 20, and 31

Smyth and Huang disclose the method of claims 8, 19, and 30; Smyth further discloses wherein said components are identified taking previously incorrect identification of components that may be requested into account (col. 7, lines 5-6).

As to claims 10, 21, and 32

Smyth and Huang disclose the method of claims 1, 12, and 23; Smyth further disclosed wherein said step of identifying comprises identifying the maximum number of components ("max links", col. 7, lines 47-54) neighboring said requested component that can be adapted within a specified period of time. Smyth further discloses adapting the components "subject to any restraints imposed by the site operator" (col. 7, lines 52-53) but he does not specifically site 'time' as one of the restraints. But he also says it

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is important that “mobile users gain access to the right information at the right time, both quickly and easily...” Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to restraint the component’s adaptation within a specified maximum time period. One would have been motivated to restraint the component’s adaptation within a specified maximum time period because in the computer art, and especially in component download, speed is of the essence, and specifying a maximum time period will allow quick access to the component even if all components have not been completely adapted.

As to claims 11, 22, and 33

Smyth discloses a method for incremental adaptation of a computer software application, said method comprising the steps of:

receiving a request for a component of said application from a device (col. 6, lines 55-59);

identifying, in response to said request, components reachable from said requested component (col. 7, lines 1-4 and 15-19);

selecting components within a specified distance of said requested component from said identified reachable components (“max links”, col. 7, lines 47-54);

but even if Smyth discloses adapting (“personalizing”) the components to a particular user he does not specifically teach adapting said identified components for operation with said requesting device.

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Huang discloses a method of adapting web pages for display on various client devices. Therefore, it would have been obvious to someone with ordinary skill in the art at the time the invention was made to combine the two said methods.

One would have been motivated to combine these two methods because as Smyth puts it in col. 1 lines 49-51 this will help "mobile users gain access to the right information at the right time, both quickly and easily..." These mobile users utilize devices that are limited in functionality and screen size.

7. Claims 2, 13, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smyth in view of Huang as applied to claims 1, 12, and 23 above, and further in view of O'Brien et al. (US Patent 6,055,569).

8. As to claims 2, 13, and 24

Smyth and Huang disclose the method of claims 1, 12, and 23 but do not disclose wherein only said requested and identified components are adapted for operation with said requesting device.

O'Brien discloses a method of identifying components (webpages) of an application that may be requested by a user in the future and downloading only said components into the user's web browser memory cache (abstract, col. 2, lines 15-16). Therefore it would have been obvious to one with ordinary skills in the art at the time the invention was made to adapted (download) only identified components. One would have been motivated to adapt only identified components because it would save time and memory space and speed up processing when only likely components are downloaded.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Tamir et al. (US Patent 6,957,390) discloses a system for recording web site activity by web users and dynamically customizing web display base on the user's prior activity.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel G. Neway whose telephone number is 571-270-1058. The examiner can normally be reached on Mon - Thur 8:00AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Myhre can be reached on 571-270-1065. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Supervisory Patent Examiner